S.B. Criminal Misc. Bail Application No.6877/2006
Babu Lal and another Vs. State of Rajasthan

Date Of Order :: 14.11.2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Sudhir Kumar Jain with
Mr. Pankaj Gupta, for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

.....

This anticipatory bail application under section 438 Cr.P.C. has been filed by accused petitioners Babu Lal and Ratan Lal in FIR No.305/2006 registered at Police Station Nangalrajavtan, District Dausa for the offence under sections 147 & 302 IPC.

Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioners that they have falsely been implicated in this matter. It is also submitted that the accused petitioners were not known to deceased Faili Ram nor they were involved in any quarrel which was actually taking place in between two brothers Gopi and Ram Narayan and the accused persons being brother of Geeta, wife of Ram Narayan, have been involved in this matter. It is also submitted that no injury was found on the body of the deceased Faili Ram and according to the postmortem report Faili Ram died due to syncope which also makes it clear that the accused petitioners are innocent and false allegations of beating by blunt weapons have been levelled against them. It is also submitted that the accused petitioners Babu Lal is minor under the age of 16 years. Reliance has been placed on the order dated 19/12/1986 passed in **S.B. Criminal Misc. Bail Application No.3234/1986** titled as **Bharat Singh Vs. State of Rajasthan**, reported in **RLR 1987 (i) page 593**.

Learned Public Prosecutor opposed the bail application.

Without making any observation on merits, having considered the rival submissions made at the bar, material on record, all other facts and circumstances and the fact that the allegations against the accused petitioners along with some other co-accused are about beating to deceased Faili Ram by blunt objects and by kicks and fists but according to the postmortem report no injury was found on the body of deceased Faili Ram and cause of death was described as syncope, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Babu Lal and Ratan Lal.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioners Babu Lal and Ratan Lal both sons of Ram Kishan, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.305/2006 registered at Police Station Nangalrajavtan, District Dausa provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions:-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer; and
3. that the petitioners shall not leave India without previous permission of Court.

(J.R. Goyal),J.

VS Shekhawat/-
Jr.P.A.